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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARCO PAULO RODRIGUES LORADOR
and PAULO RENATO RODRIGUES
LORADOR,

Plaintiffs,

vs.

MICHELLE KOLEV, NICOLE KOLEV,
CIRQUE DU SOLEIL NEVADA NEWCO,
INC., CIRQUE DU SOLEIL
ENTERTAINMENT GROUP, and TREASURE
ISLAND LLC,

Defendants.

Case Number:
2:21-cv-01650-GMN-BNW

**STIPULATION AND ORDER TO
STAY DEADLINES PENDING
APPEAL**

Plaintiffs Marco Paulo Rodrigues Lorador and Paulo Renato Rodrigues Lorador (hereinafter "Plaintiffs"), by and through their attorneys of record, the law firm of Marquis Aurbach; and Michelle Kolev, Nicole Kolev, Cirque Du Soleil Nevada Newco, Inc., and Treasure Island LLC, (hereinafter "Defendants"), by and through their attorneys of record, the law firm of Thorndal Armstrong Delk Balkenbush & Eisinger, hereby stipulate and agree as follows:

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1. Plaintiffs filed their Complaint [ECF No. 1] and Motion for Preliminary Injunction [ECF No. 5] on September 8, 2021. An Amended Complaint was filed on September 30, 2021 [ECF No. 11]. Defendants filed a Motion to Dismiss [ECF No. 16] on November 2, 2021, which is still pending a decision by this Court.

2. The parties attended the telephonic Rule 26(f) conference on December 13, 2021, and thereafter submitted a Stipulated Discovery Plan and Scheduling Order to this Court. The Stipulated Discovery Plan and Scheduling Order was signed by this Court on December 16, 2021 [ECF 29]. The Stipulated Discovery Plan and Scheduling Order provided for the following dates and deadlines:¹

| | |
|------------------------------------|-------------------|
| Initial Expert Deadline | May 27, 2022 |
| Rebuttal Expert Deadline | June 13, 2022 |
| Close of Discovery | July 11, 2022 |
| Dispositive Motion Deadline | August 10, 2022 |
| Pre-Trial Order Deadline | September 9, 2022 |

3. After conducting a hearing on the Motion for Preliminary Injunction on February 8, 2022, this Court entered its Order granting in part and denying in part Plaintiffs' Motion on March 10, 2022 [ECF No. 37].

4. The Court's March 10, 2022 Order was appealed to the Ninth Circuit Court of Appeals through the filing of Plaintiffs' Notice of Appeal [ECF No. 41] on April 4, 2022, and Defendants' Notice of Appeal [ECF No. 44] on April 6, 2022.

5. The Parties have agreed to participate in the Ninth Circuit's settlement conference program, and anticipate that a settlement conference will be held on July 21, 2022.

¹ The last day to amend pleadings and add parties passed on April 12, 2022, and is not impacted by this Stipulation.

6. The Parties are further in agreement to stay the upcoming deadlines contained in the Stipulated Discovery Plan and Scheduling Order pending the result of the 9th Circuit Appeal.

7. As such, the Parties agree to stay the following dates and deadlines pending the results of the 9th Circuit appeal and/or resolution of this matter at the upcoming settlement conference:

Initial Expert Deadline May 27, 2022

Rebuttal Expert Deadline June 13, 2022

Close of Discovery July 11, 2022

Dispositive Motion Deadline August 10, 2022

Pre-Trial Order Deadline September 9, 2022

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8. This request is made in good faith and not being sought for improper purposes or to delay.

Dated this 19th day of May, 2022.

MARQUIS AURBACH

THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

By: /s/ Tabetha Martinez

By: /s/ Brian K. Terry

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ORDER

IT IS ORDERED that ECF No. 53 is GRANTED.

IT IS FURTHER ORDERED that the parties must file a joint status report indicating whether they settled by August 5, 2022.

IT IS SO ORDERED

DATED: 6:40 pm, May 22, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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